

COPY

FILED
IN CLERKS OFFICEIN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
EASTERN DIVISION

Dolores Balistreri, et al.

Plaintiffs,

v.

Indevus Pharmaceuticals, Inc., F/K/A Interneuron

Pharmaceuticals, Inc.; Wyeth, Inc., F/K/A American Home

Products Corporation; Wyeth Pharmaceuticals, Inc. F/K/A

Wyeth-Ayerst Pharmaceuticals, Inc., A Division of American

Home Products Corporation; and Boehringer Ingelheim

Pharmaceuticals, Inc.

04 C 10 C 1 GAO
U.S. DISTRICT COURT
DISTRICT OF MASS.CIVIL ACTION
NO. _____

Defendants.)

**NOTICE OF ORDER REFERRING REMAND MOTIONS IN
DIET DRUG CASES TO A SINGLE JUDGE FOR DECISION**

This case is one of over 200 diet drug cases originally filed on behalf of approximately 4,500 plaintiffs in state court in Middlesex County, Massachusetts. Wyeth is in the process of removing all of these diet drug cases to the federal court.

In the first of these cases -- *Andrus, et al v. Indevus Pharm., Inc., et al.* – Wyeth filed a Notice of Removal on May 7, 2004. Because the anticipated remand motions in *Andrus* and this and the other diet drug cases likely will raise similar, if not identical issues, Wyeth filed in *Andrus* a Motion to Refer Decision of Remand Motions in All Diet Drug Cases to a Single Judge for Decision. On May 19, 2004, the court (O'Toole, J.) entered an order granting Wyeth's motion.

Respectfully submitted this 24th day of May 2004.

/s/ Janice W. Howe
 William A. McCormack BBO #329580
 Janice W. Howe BBO #242190
 David Yamin BBO #562216
 Bingham McCutchen LLP
 150 Federal Street
 Boston, MA 02110
 (617) 951-8000
*Counsel for Defendants Wyeth and
Wyeth Pharmaceuticals, Inc.*

CERTIFICATE OF SERVICE

This is to certify that I have this day served the within and foregoing document upon all parties to the above-captioned action by depositing a copy of same in the United States Mail in a properly addressed envelope with sufficient postage affixed thereto to ensure delivery to the following:

Edward J. Barshak (BBO No. 032040)
Michael S. Appel (BBO No. 543898)
Sugarman, Rogers, Barshak & Cohen, P.C.
101 Merrimac Street, 9th Floor
Boston, MA 02114

John R. Oldham
Faddis, Oldham & Smith, P.A.
2709 W. Fairbank Avenue, Suite 200
Winter Park, FL 32789

Counsel for Plaintiff

Matthew J. Matule (BBO #632075)
Skadden, Arps, Slate, Meagher & Flom LLP
One Beacon Street
Boston, Massachusetts 02108

Counsel for Defendants Indevus Pharmaceuticals, Inc. and Boehringer Ingelheim Pharmaceuticals, Inc.

This 24th day of May, 2004.

/s/ Janice W. Howe _____
Janice W. Howe
*Counsel for Defendants Wyeth
and Wyeth Pharmaceuticals, Inc.*